UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/086,294	05/28/1998	PEGGY M. STUMER	98-P-7528-US	8062

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SIEMENS CORPORATION
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EXAMINER
AGDEPPA, HECTOR A

ART UNIT	PAPER NUMBER
2642	

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/086,294	STUMER, PEGGY M.
	Examiner	Art Unit	
	Hector A. Agdeppa	2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 July 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-19</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-19</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1.   Claims 1 – 6 and 8 - 12 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat 5,915,008 (Dulman).

Regarding claims 1 – 5 and 9, Dulman teaches a system and method for provisioning and accessing AIN services such as call transfer, routing, or redirection. Dulman accomplishes such via either a mediating ISCP 22 that mediates queries and responses and/or an access server 48 that receives service requests, as an intermediary server to the service-providing node or element, and decodes/translates any necessary data/info in or from the service request to decide which node or element will handle the service request. Dulman teaches a broader, general overview of the aspects of the claimed invention. The following secondary references are used as specific and concrete examples of features and apparatuses that while not specifically discussed in Dulman, are at least obvious for one of ordinary skill in the art at the time the invention was created, to have included in the invention of Dulman. (Abstract, Figs. 1, 2, and 5A – 5C, Col. 4, line 28 – Col. 5, line 14, Col. 6, line 60 – Col. 16, line 45. of Dulman)

ISCP 22 may also be read as the claimed intervening or intercepting server and original server that determines whether execution of supplementary service requests is

carried out by itself or by another of a plurality of SCPs/servers such as SCP 28.

Dulman teaches that all requests are routed through ISCP 22 which may process the

call itself or if required go to another SCP, such as SCP 28 to obtain the information

needed to process the call. Specifically, ISCP 22 processes the instructions from an

alternate carrier's SCP, which in effect is processing by another server. (Col. 9, lines 25

– 55 of Dulman) Also, Dulman teaches that the network may have more than one ISCP

and if a first element is backlogged, another SCP may be used to service a call or

request. (Col. 15, lines 22 – 33) Because all calls/requests will go through ISCP 22

first, it is analogous to an intervening server, and as already discussed, it determines

whether or not to process a call/request itself or go to another SCP/server, which of

course would be different from ISCP 22, i.e., the original server.

Furthermore, Dulman teaches link optimization in the form of considering how to

route calls/requests/data information according to least used and least cost routes. The

decision to route calls and requests using least used or least cost routes or even

preferred routes, are based on customer's preferences, or optimization considerations

taken into account when trying to effect a service or complete a call. (Col. 15, lines 5 –

20)

As to claim 6, both Dulman via the use of schedules, Col. 18, lines 11 – 16, allow

various services to be activated/deactivated.

As to claims 8 and 10 – 12, see above-mentioned sections of Dulman which

teach the use of optimization parameters such as timing or least cost routes, as well as

predetermined conditions whether it be via direct customer input or via schedules or

other predetermined means, wherein services may be enabled/disable and

resources/elements/nodes are accessed or not accessed.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

2.   Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat

5,915,008 (Dulman).

As to claim 7, such is inherent or at the very least obvious for one skilled in the

art to implement as most system will recalls or behave accordingly when a service fails

in that usually, it is not desirable for system resources to be tied up indefinitely which

would be the case, if a failed service request were to be tried and re-tried over and over

again – hence the need for some sort of recall. Moreover, Dulman teaches that an error

message may be sent to a customer or alternative rerouting is performed for a customer

when there is a system failure or when an SCP, for example, is unavailable. (Col. 15,

lines 1 – 9)

3.   Claims 13 – 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over

US Pat 5,915,008 (Dulman) in view of US Pat 5,999,610 (Lin et al.)

As to claims 13 and 17, Dulman has been discussed above.

The standard operation of intelligent networks involves the detection of triggers

which invoke call suspension and a switch/SSP communicating with an associated

SCP(s) to obtain further call processing instructions for a call when anything other than standard call routing is needed. Such triggers read on the claimed supplement service signals.

What Dulman does not teach is a list of one or more servers' addresses, listed in order of redirection priority.

However, Lin et al. teach a system wherein multiple SCPs are used and depending on instructions stored in tables or databases, SCPs may be queried/accessed for call processing either simultaneously or in some predetermined order. (Figs. 2 – 16, Col. 2, line 63 – Col. 3, line 14, Col. 5, lines 9 – 34, Col. 10, line 37 – Col. 15, line 30, Col. 18, line 1 – Col. 19, line 13, Col. 23, line 15 – Col. 24, line 52, Col. 29, lines 27 – 35, Col. 32, lines 26 – 33, Col. 33, line 58 – Col. 46, lin3 55 of Lin et al.)

It would have been obvious for one of ordinary skill in the art at the time the invention was made to have combined the Dulman and Lin et al. inasmuch as both Dulman and Lin et al. teach the use of multiple SCPs to service/handle supplementary services and Lin et al. merely introduces a different method of dealing with multiple SCPs.

As to claim 14, see the rejection of claim 6. Waking a service is equivalent to activating it at a certain time, dependent for example, as taught by Dulman, a customer's schedule.

As to claims 16, see the rejection of claims 1 and 6.

As to claim 18, the functionality of a control system at every server interface is included in any SCP. The SCP of any intelligent network controls call processing and moreover, the SCP must be able to communicate with all intelligent network elements as well as elements such as an access server or various elements such as billing and data collector or intelligent peripherals as taught above by Dulman.

As to claim 19, a primary rate interface is merely the ISDN equivalent of a T1 line and T1 lines are the standard communications line used in digital communications. A basic rate interface is merely the other interface in ISDN. Whatever types of communication lines are chosen, these claimed are standard and at the least would have been an obvious choice for one of ordinary skill in the art to use inasmuch as they are the standard communication lines used in ISDNs.

Moreover, Dulman teaches contemplating the use of ISDN networks in the system. (Col. 10, line 44 – Col. 12, line 55 of Dulman)

Response to Arguments

4.   Applicant's arguments filed 7/29/04 have been fully considered but they are not persuasive.

Again, as to applicant's arguments regarding claims 1 – 12, note that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Therefore, because the terms used by applicant to claim the present invention are exactly the same as those used by Dulman, i.e., "service request" used by

applicant to denote actual use of a telephony service, and "service request" used by

Dulman to denote provisioning telephony services, examiner can and is obligated to

read the claims as broadly as possible. Examiner thus maintains his final rejection

above.

In the alternative, while Dulman teaches the provisioning of services, clearly the

system of Dulman can also provide those services such as call redirection and number

portability that a user would provision and as seen in Fig. 2, for example, the system of

Dulman uses elements that are used to process and use such services. See Col. 8, line

1 – Col. 9, line 55 of Dulman that describes call processing in the system. Note as well

that the functionality and method claimed by the present invention is present in the

system of Dulman as well. SSPs, SCPs, Intelligent Peripherals, etc. read on the

claimed servers, monitoring unit, control program (Dulman teaches for example, a

mediating service program that identifies which carriers and which elements will be

used to complete a call, i.e., intercepting and redirecting) and their claimed functionality.

Conclusion

5.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Hector A. Agdeppa whose telephone number is 703-

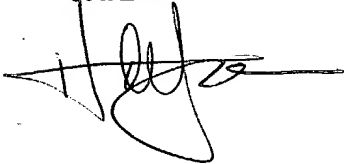305-1844. The examiner can normally be reached on Mon thru Fri 9:30am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad F. Matar can be reached on 703-305-4731. The fax phone number

for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

H.A.A.
October 27, 2004

HECTOR A. AGDEPPA
PATENT EXAMINER